

LEGISLATURE OF NEBRASKA
NINETY-EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 993

Introduced by Building Maintenance Committee:
Thompson, 14, Chairperson; Janssen, 15; Jensen, 20;
D. Pederson, 42; Tyson, 19; Wehrbein, 2

Read first time January 12, 2004

Committee: Appropriations

A BILL

1 FOR AN ACT relating to state government; to amend section
2 81-1108.22, Reissue Revised Statutes of Nebraska, and
3 section 81-1108.15, Revised Statutes Supplement, 2002; to
4 require an annual report by the state building division;
5 to change provisions for rental of office space; to
6 harmonize provisions; and to repeal the original
7 sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-1108.15, Revised Statutes
2 Supplement, 2002, is amended to read:

3 81-1108.15. (1) The division shall have the primary
4 functions and responsibilities of statewide facilities planning,
5 facilities construction, and facilities administration and shall
6 adopt and promulgate rules and regulations to carry out this
7 section.

8 (2) Facilities planning shall include the following
9 responsibilities and duties:

10 (a) To maintain utilization records of all state-owned,
11 state-occupied, and vacant facilities;

12 (b) To coordinate comprehensive capital facilities
13 planning;

14 (c) To define and review program statements based on
15 space utilization standards;

16 (d) To prepare or review planning and construction
17 documents;

18 (e) To develop and maintain time-cost schedules for
19 capital construction projects;

20 (f) To assist the Governor and the Legislative Fiscal
21 Analyst in the preparation of the capital construction budget
22 recommendations;

23 (g) To maintain a complete inventory of all state-owned,
24 state-occupied, and vacant sites and structures and to review the
25 proposals for naming such sites and structures;

26 (h) To determine space needs of all state agencies and
27 establish space-allocation standards; and

28 (i) To cause a state comprehensive capital facilities

1 plan to be developed.

2 (3) Facilities construction shall include the following
3 powers and duties:

4 (a) To maintain close contact with and inspections of
5 each project so as to assure execution of time-cost schedules and
6 efficient contract performance if such project's total design and
7 construction cost is more than fifty thousand dollars;

8 (b) To perform final acceptance inspections and
9 evaluations; and

10 (c) To coordinate all change or modification orders and
11 progress payment orders.

12 (4) Facilities administration shall include the following
13 powers and duties:

14 (a) To serve as state leasing administrator or agent for
15 all facilities to be leased for use by the state and for all
16 state-owned facilities to be rented to state agencies or other
17 parties subject to section 81-1108.22. The division shall remit
18 the proceeds from any rentals of state-owned facilities to the
19 State Treasurer for credit to the State Building Revolving Fund and
20 the State Building Renewal Assessment Fund;

21 (b) To provide all maintenance, repairs, custodial
22 duties, security, and administration for all buildings and grounds
23 owned or leased by the State of Nebraska except as provided in
24 subsection (5) of this section;

25 (c) To procure and manage office space and assign the
26 remaining office space after the Executive Board of the Legislative
27 Council has made its determination pursuant to subsection (1) of
28 section 81-1108.21;

1 (d) To be responsible for adequate parking and the
2 designation of parking stalls or spaces, including access aisles,
3 in offstreet parking facilities for the exclusive use of
4 handicapped or disabled or temporarily handicapped or disabled
5 persons pursuant to section 18-1737;

6 (e) To ensure that all state-owned, state-occupied, and
7 vacant facilities are maintained or utilized to their maximum
8 capacity or to dispose of such facilities through lease, sale, or
9 demolition;

10 (f) To report annually to the Appropriations Committee
11 and the Committee on Building Maintenance regarding the amount of
12 property leased by the state and the availability of state-owned
13 property for the needs of state agencies;

14 (g) To report monthly time-cost data on projects to the
15 Governor and the Clerk of the Legislature;

16 ~~(g)~~ (h) To administer the State Emergency Capital
17 Construction Contingency Fund;

18 ~~(h)~~ (i) To submit status reports to the Governor and the
19 Legislative Fiscal Analyst after each quarter of a construction
20 project is completed detailing change orders and expenditures to
21 date. Such reports shall be required on all projects costing five
22 hundred thousand dollars or more and on such other projects as may
23 be designated by the division; and

24 ~~(i)~~ (j) To submit a final report on each project to the
25 Governor and the Legislative Fiscal Analyst. Such report shall
26 include, but not be limited to, a comparison of final costs and
27 appropriations made for the project, change orders, and
28 modifications and whether the construction complied with the

1 related approved program statement. Such reports shall be required
2 on all projects costing five hundred thousand dollars or more and
3 on such other projects as may be designated by the division.

4 (5) Subdivisions (4)(b), (d), and (e) of this section
5 shall not apply to (a) state-owned facilities to be rented to state
6 agencies or other parties by the University of Nebraska, the
7 Nebraska state colleges, the Department of Aeronautics, the
8 Department of Roads, and the Board of Educational Lands and Funds,
9 (b) buildings and grounds owned or leased for use by the University
10 of Nebraska, the Nebraska state colleges, and the Board of
11 Educational Lands and Funds, (c) buildings and grounds owned,
12 leased, or operated by the Department of Correctional Services, (d)
13 facilities to be leased for nonoffice use by the Department of
14 Roads, (e) buildings or grounds owned or leased by the Game and
15 Parks Commission if the application of such subdivisions to the
16 buildings or grounds would result in ineligibility for or repayment
17 of federal funding, (f) buildings or grounds of the state park
18 system, state recreation areas, state historical parks, state
19 wildlife management areas, or state recreational trails, or (g)
20 other buildings or grounds owned or leased by the State of Nebraska
21 which are specifically exempted by the division because the
22 application of such subdivisions would result in the ineligibility
23 for federal funding or would result in hardship on an agency,
24 board, or commission due to other exceptional or unusual
25 circumstances, except that nothing in this subdivision shall
26 prohibit the assessment of building rental depreciation charges to
27 tenants of facilities owned by the state and under the direct
28 control and maintenance of the division.

1 (6) Each member of the Legislature shall receive a copy
2 of the reports required by subdivisions (4)(f), ~~(h)~~, and ~~(i)~~ (g),
3 (i), and (j) of this section by making a request for them to the
4 administrator. The information on such reports shall be submitted
5 to the division by the agency responsible for the project.

6 Sec. 2. Section 81-1108.22, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 81-1108.22. (1) The division shall have the
9 responsibility of providing office space in leased and state-owned
10 buildings in the proximity of the State Capitol and in other
11 locations.

12 (2) When any board, agency, commission, or department of
13 the state government not otherwise specifically authorized by law
14 desires to use funds available for the purpose of renting office
15 space outside of the State Capitol, it shall submit a request to
16 the Director of Administrative Services. ~~accompanied by a~~
17 ~~certificate from the Committee on Building Maintenance that there~~
18 ~~is no state-owned property which is adequate or which through~~
19 ~~cost-effective renovation, as determined by the division, could be~~
20 ~~made adequate to meet the needs of the board, agency, commission,~~
21 ~~or department.~~ If the director approves the lease, the terms and
22 location shall be approved by the director and the administrator in
23 writing and the leases shall be entered into and administered by
24 the administrator on behalf of the board, agency, commission, or
25 department. A copy of all such lease contracts shall be kept on
26 file by the state building division and shall be open to inspection
27 by the Legislature and the public during normal business hours.

28 (3) The administrator shall develop a system of charges

1 to cover basic rental, maintenance, renovations, and operation of
2 such leased and owned properties. The charges to state agencies,
3 boards, commissions, or departments of state government shall be
4 paid from funds available for the purpose of renting space on a
5 regular basis and placed, as applicable, in the State Building
6 Revolving Fund, which fund is hereby created, and the State
7 Building Renewal Assessment Fund. The administrator shall make
8 payments for basic rentals, renovations, and maintenance and
9 operational costs of all leased and owned buildings from the State
10 Building Revolving Fund.

11 (4) The charges for such leased and owned properties
12 shall only be adjusted by the administrator on July 1. Prior to
13 any adjustment in the system of charges, the Department of
14 Administrative Services, on or before December 1 of the year
15 preceding the effective date of such adjustment, shall provide
16 written notification to the Committee on Building Maintenance, the
17 Clerk of the Legislature, and the Legislative Fiscal Analyst of the
18 proposed adjustment to the system of charges.

19 (5) Commencing on April 18, 1992, all leases of real
20 property entered into by any state agency, board, commission, or
21 department shall be subject to this section. Leases held by a
22 state agency, board, commission, or department on such date shall
23 be valid until the lease contract is terminated or is subject to
24 renewal. The division shall monitor all such leases and determine
25 when the lease is subject to renewal. Once the determination is
26 made, the division shall cancel the lease as of the renewal date
27 and shall treat the need of the agency, board, commission, or
28 department as an original request for space and subject to this

1 section. This subsection shall not apply to (a) state-owned
2 facilities to be rented to state agencies or other parties by the
3 University of Nebraska, the Nebraska state colleges, the Department
4 of Aeronautics, the Department of Roads, and the Board of
5 Educational Lands and Funds, (b) facilities to be leased for use by
6 the University of Nebraska, the Nebraska state colleges, and the
7 Board of Educational Lands and Funds, (c) facilities to be leased
8 for nonoffice use by the Department of Roads, or (d) facilities
9 controlled by the State Department of Education, which were
10 formerly controlled by the Nebraska School for the Visually
11 Handicapped, to be rented to state agencies or other parties by the
12 department.

13 Sec. 3. Original section 81-1108.22, Reissue Revised
14 Statutes of Nebraska, and section 81-1108.15, Revised Statutes
15 Supplement, 2002, are repealed.